

## REMARKS

The present amendment is submitted in response to the Office Action mailed June 8, 2005.

In the Office Action, claims 1-12 were rejected under 35 U.S.C. 103 (a) over U.S. Patent Nos. 5,913,875 to Smith (Smith '875) and 5,464,422 to a Silverman (Silverman '422). Applicant respectfully traverses this rejection.

Smith '875 recites a tapered needle having a specific configuration defined by three tapered regions. The first tapered region adjacent the piercing point has a taper ratio of 12:1 or greater. The second tapered region has a taper ratio between 6:1 to about 11:1 and the third tapered region has a taper ratio of 12:1 or greater. These tapered regions of the Smith '875 needle provide a relatively slender profile to the needle end, i.e., the greater the taper ratio the more slender the needle end. Silverman '422 discloses a suture needle with a conical point and a tip portion extending from the conical point and having a plurality of cutting edges.

It is respectfully submitted that the present invention as recited in the pending claims is patentably distinguishable over the combination of Smith '875 and Silverman '422. For example, the combination of these two references fails to teach or suggest the specific taper ratios recited in each of independent claims 1, 3 and 10. These particular taper configurations provide a relatively enlarged profile to the needle end in comparison to Smith '875 and Silverman '422. For example, independent claim 1 recites a first region with a taper ratio of approximately 2.76:1 and a second region with a taper ratio of approximately 5.65:1. (see also

the recited taper ratios in independent claims 3 and 10). In contrast, Smith '875 and Silverman '422 are devoid of these features. Although Silverman '422 acknowledges the benefit of achieving strength in the needle point by varying the cone angle adjacent the needle end, there is no disclosure of varying the angle to the degree set forth in the independent claims. Furthermore, as admitted in the Office Action, there is no disclosure in Silverman '422 of varying or alternating the taper ratios to achieve, e.g., a parabolic needle, as provided by the present disclosure. Rather, Silverman '422 discloses the use of a linear taper ratio in its conical point portion. Moreover, Smith '875 does not teach or suggest the claimed taper ratios. Smith '875 provides a relatively slender needle. In fact, Smith '875 teaches away from the use of a needle end with a relatively small taper ratio as recited in the independent claims in that such configuration would increase resistance to penetration (col. 1, lns. 35-44 of the Smith '875 patent), thus further indicative that the combination of these two references improper.

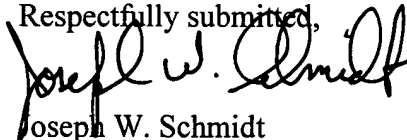
Accordingly, in view of the foregoing, withdrawal of this rejection is respectfully requested.

Claims 1-12 stand rejected under 35 USC 103(a) over Smith '875. It is respectfully submitted that the present invention as claimed is patentably distinguishable from the Smith '875. As discussed hereinabove, Smith '875 fails to teach or suggest the recited taper ratios of independent claims 1, 3 and 10. In addition, Smith '875 teaches away from manufacturing a needle with a smaller taper ratio as addressed hereinabove. Accordingly, withdrawal of this rejection is respectfully requested.

It is respectfully submitted that none of the references of record disclose or suggest the present invention as claimed in the claims as amended, considered individually or in combination, with themselves, considered in whole or in part. Accordingly, withdrawal of the rejections is respectfully requested.

In view of the foregoing amendments and remarks, reconsideration of the rejections and objections and allowance of the claims are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph W. Schmidt", written over the typed name.

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